

REMARKS

Claims 1-25 are pending in this application, with claims 1, 8, 13, 16 and 18 being the independent claims. By this Amendment, claims 1-5, 7, 8, 12, 13, 16, 18 and 23 have been amended, and claims 6, 11 and 22 have been cancelled, without prejudice:

Rejections under 35 U.S.C. § 112

In the Office Action, claim 3 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicants respectfully traverse this rejection.

However, in the interest of expediting prosecution, claim 3 is amended to depend from claim 1 instead of claim 2, to obviate the rejection. As a result, it is respectfully requested that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

In the Office Action, claims 1, 2, 4-6, 16 and 17 were rejected under 35 U.S.C. § 103(a) over Shimada et al. '291. The rejection is respectfully traversed.

Claims 1 and 16 include the feature of a plurality of vacuum panels separated from each other by circumferentially spaced ribs. In contrast, it is respectfully submitted that Shimada does not disclose circumferentially spaced ribs that separate a plurality of vacuum panels.

In light of the above, it is respectfully submitted that Shimada does not suggest the features of claims 1, 2, 4-6, 16 and 17 and, therefore, rejection under 35 USC §103(a) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn

In the Office Action, claims 3, 8-11, 13, 14, 18-22, 24 and 25 were rejected under 35 U.S.C. § 103(a) over Shimada in view of Bourque et al. '754. The rejection is respectfully traversed.

It is respectfully submitted that Bourque does not remedy the deficiencies of Shimada discussed above. Therefore, it is respectfully submitted that the combination of Shimada and Bourque does not suggest the features of claims 3, 8-11, 13, 14, 18-22, 24 and 25 and, therefore, rejection under 35 USC §103(a) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 1-25 are rejected under 35 U.S.C. § 103(a) over Garver et al. '622, in view of Krishnakumar et al. '184 or Melrose '309. The rejection is respectfully traversed.

Claims 1-5, 7-10, 12-21 and 23-25 include the feature of a plurality of vacuum panels that, over a majority of their surface, are externally concave as viewed in cross section from a first direction and externally convex as viewed in cross section from a second direction orthogonal to the first direction. In contrast, it is respectfully submitted that Melrose does not disclose such a shape over a majority of a vacuum panel. In addition, it is respectfully submitted that Krishnakumar does not disclose such a shape on any portion of a vacuum panel and certainly not over a majority of a surface of a vacuum panel. It is respectfully submitted that Krishnakumar in its figures and at column 4, lines 9-28, discloses at most a vacuum panel that is at any one point either concave in both directions or convex in both directions, but not concave in one direction and convex in a perpendicular direction.

In light of the above, it is respectfully submitted that neither the combination of Shimada and Melrose nor the combination of Shimada and Krishnakumar suggests the features of claims 1-5, 7-10, 12-21 and 23-25 and, therefore, rejection under 35 USC §103(a) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are respectfully requested.


If the Examiner believes that anything additional is required to place the application in condition for allowance, the Examiner is requested to contact the undersigned at the number shown below.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arranged for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

Dated: February 28, 2006

Respectfully submitted,

By 
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